There is one point however on which I shall speak now. You suggest that there should be honorary magistrates to make investigations under the Rubber Thefts Prevention Regulation. The appointment of honorary magistrates is possible only under the Criminal Procedure Code. If they are appointed—I am having the question under consideration—they will only be able to act in accordance with the powers laid down in the Criminal Procedure Code, and that does not include investigations under the Rubber Thefts Prevention Regulation. If that is also to be brought within the purview of these honorary magistrates, I think it will be necessary to make a consequential amendment. That point will be examined and I hope to have a communication addressed to you on the subject before very long.

21. Jenmies and tenants.

MR. DEVAN PARAMESWARAN VALIYATHAN (*Member, Kottarakara taluk*) said that the public were at a loss to see the need for the round table conference which Government proposed to held in regard to the Jenmi-Kudiyan Regulation Amendment bill. If the bill was read in the Council, it would go to the Select Committee and Government could, if they chose, nominate additional members in the committee. Similarly when, after the Select Committee's report, the bill was again read in the Council, Government could nominate additional members there also. Government could also acquaint themselves with the trend of public opinion on either side and they were fully competent either before the bill was settled or after that to add to or modify its provisions. As such the Kudiyans were inclined to suspect whether the conference was not a means for blocking the progress of the bill. Their suspicions gained strength from the fact that Government had done nothing for the election of the two jenmi members of the conference even though two months had elapsed since they promised to arrange for the election.

It was clear as much to Government as to the tenants that the new bill was not calculated to secure the greatest happiness of the greatest number. What Government should therefore do was to acquire all *jenmom* lands after paying proper compensation to the *jenmies* and then register the lands to the tenants on *pandaravattom* tenure. It was the first duty of Government to introduce into the Council a bill with this end in view and thereby render the present bill unnecessary.

If the Government were not prepared to take such a step, it was their duty to render all assistance to the tenants for introducing and passing a bill after their own heart. There were many big foreign *jenmies* in the members' constituency, namely, the Kottarakara taluk. There were also a few small native *jenmies*. But not less than 30 per cent of the population were tenants and their relations or dependants. The majority of cases in the local Munsiff's Court were between these *jenmies* and tenants. The same thing held good in other taluks as well. The relation between *jenmies* and tenants contributed to this

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situation. Though the origin of many *jenmom* lands was still obscure, it was so unjust that a Malayala Brahmin family in Cochin or North Malabar who had not so much as seen a particular piece of land in Travancore should find it possible to defeat the rights of tenants who for generations past had spent money, made improvements and enjoyed the land as their own. Leaving alone the *jenmies*, it was impossible to picture the mischiefs done in their name by their petty dependants. It was no use tinkering with this great problem and taking half remedies where drastic changes would alone prove effective.

It would meet the case if the following additional provisions were made in Mr. Menon's bill:

(*a*) The *adukuvathu* paid by the tenant to the *jenmi* should be added to the *kanam* and in future interest should be calculated on that amount also for the purpose of calculating *michavaram*, which at present represented the difference between the *pattom* estimated on the land and the interest on the *Kanom*.

(*b*) All *jenmibhogams* other than *michavaram* and *adukkuvathu* should be abolished.

(*c*) It should not be competent to a *jenmi* or his agents, or his servants to purchase in auction or otherwise the rights of a kanam tenant.

(*d*) Every *jenmi* should be required to keep or cause to be kept regular day books, ledgers and receipt books. He should also have an office, which should be registered as his head-quarters, in each taluk where he held properties. He should examine and certify the accounts kept by his managers not less than twice a year. These accounts should be presented before the respective Tahsildars not less than once a year and should be certified by them. Every account should be open to examination by the tenants concerned for one month every year. In case the *jenmi* or his managers failed to comply with this provision, the Tahsildar should be authorised, on receipt of a complaint to that effect from the tenant, to order the production of the accounts in his office for examination by the tenant. If the tenant had any complaint about the entries in the accounts, he should be permitted to bring it to the notice of the Tahsildar, and the Tahsildar should be empowered to take evidence, to pass orders and to direct the necessary alterations being made in the accounts. It should be provided that no accounts which did not conform to any of the above provisions should be admissible in evidence in a court of law.

(*e*) All *jenmies* should be required to file with the Government, within a year from the date of the Regulation, lists showing detailed particulars about their *jenmom* properties. These lists should be compiled and printed in the same way as the Settlement Register, and kept by the Government as a *kanom* register of which copies should on application be furnished to parties. It should also be provided that this register will not be binding as against the tenant a

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(*f*) It should be open to the *kudiyan* to acquire all the rights of a *jenmi* on payment of compensation. The determination of the *jenmi's* rights in this manner should not depend on the consent of the *jenmi*. The rights should be determined and the amount of compensation fixed by a court not inferior in rank to a zilla court, which should on the application of the tenant enquire into the matter and decide the question. The fee for such application should be fixed at Rs. 5.

(*g*) The existing arrears of *michavaram* should be recoverable only by means of civil suits. But the arrears, after the above rules were brought into operation, should be recoverable under the Revenue Recovery Regulation, within three years from the date on which the payments became due. All arrears pending for more than three years should be regarded as barred by limitation.

(*h*) It should not be competent to the *jenmi* to raise the *pattom* from time to time.

DEWAN'S REPLY: Mr. Paramesvaran Valiyathan, the whole of this question, the relations between the *jenmies* and *kudiyans*, will come up for consideration in connection with the conference regarding the Jenmi-Kudiyan Bill. You say you do not understand why a round-table conference is being called. I will explain to you the reasons. There are two conflicting interests, interests of *kudiyans* who imagine that their interests should be considered first and the interests of *jenmies*, who imagine in their turn that their interests should be safeguarded. The object of the conference is to endeavour to get on to common ground, as far as possible eliminating differences and to see to what extent an agreement between the two parties can be obtained so as to ensure the passing of a Bill which will be acceptable to both parties as being perfectly fair. That is the purpose. I think it is a valuable purpose,—and I am hopeful that it will go a great way towards securing the interests of the two parties. I therefore advise you to wait and see what happens after the round-table conference meets.

22. Need for amending the Insolvency Regulation.

MR. RAMASUBBOO CHETTIYAR BHAGAVATHI PERUMAL CHETTIYAR (*Member, Mercantile and Trading Classes, Kottar*) said that before the introduction of the Insolvency Regulation it was rather easy for creditors to collect debts, but not so after the Regulation. The mercantile classes were also considerably hampered in their business by the operation of this Regulation. There was no necessity, however, on these accounts to repeal the regulation *in toto*. But it was the duty of Government to remedy the defects in the Regulation, which the member proposed to treat under two heads: (i) those inherent in the Regulation itself and the rules under it, and (ii) those arising in the application and enforcement of the Regulation and rules by the officers concerned.

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